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10/554,239	10/24/2005	Klaus Ludwig Christmann	W1.2112 PCT-US	3127

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EXAMINER

BANH, DAVID H

ART UNIT	PAPER NUMBER
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2854

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10/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,239	Applicant(s) CHRISTMANN ET AL.	
	Examiner DAVID BANH	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 50,51 and 57 is/are objected to.
- 8) ☒ Claim(s) 48-92 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 50 and 51 are objected to because of the following informalities: Claims 50 and 51 recite the limitation "said transfer cylinder" which lacks antecedent basis.

Appropriate correction is required.

2. Claim 57 is objected to because of the following informalities: Claim 57 is listed as being dependent on subsequent claim 58. Appropriate correction is required.

Election/Restrictions

3. The previous restriction requirement pursuant to the Office Action filed on April 29, 2008 is withdrawn, a new restriction requirement follows.

4. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 48, 49, 59, 62-64, 89 and 92, drawn to a web fed rotary press including a cutting cylinder with four cutters.

Group 2, claim(s) 48 and 50, drawn to a web fed rotary press including first and second cutting cylinders spaced on a transfer cylinder with two cutters on each cylinder.

Group 3, claim(s) 48 and 51, drawn to a web fed rotary press including at least seven pin needle strips arranged on the transfer cylinder.

Group 4, claim(s) 48 and 52, drawn to a web fed rotary press where each of the web sections corresponds to the length of a newspaper.

Group 5, claim(s) 48 and 53, drawn to a web fed rotary press including three web formers arranged side by side.

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Group 6, claim(s) 48 and 54, drawn to a web fed rotary press where continuous webs with up to seventy-two layers are conducted on the cylinder.

Group 7, claim(s) 48 and 55, drawn to a web fed rotary press including seven holding devices spaced on the cylinder.

Group 8, claim(s) 48 and 56, drawn to a web fed rotary press including an inlet area of the folding apparatus and two individually driven traction rollers therein.

Group 9, claim(s) 48 and 57, drawn to a web fed rotary press including first and second cutting cylinders in the folding apparatus.

Group 10, claim(s) 48, 58, 60 and 61, drawn to a web fed rotary press including at least one folding apparatus drive motor that is independent of the printing unit.

Group 11, claim(s) 48 and 65, drawn to a web fed rotary press including a superstructure adapted to cut the web into three partial webs.

Group 12, claim(s) 48, 66-68 and 86, drawn to a web fed rotary press including a folder structure including first and second former groups positioned spaces from each other.

Group 13, claim(s) 48, 69 and 72, drawn to a web fed rotary press including a first and second printing couple each including a transfer cylinder and a form cylinder wherein the transfer cylinder has a barrel length and diameter with a ratio between 1 to 5.8 and 1 to 8.8.

Group 14, claim(s) 48 and 70, drawn to a web fed rotary press including a first and second printing couple each including a transfer cylinder and a form cylinder including a satellite cylinder associated with each transfer cylinder defining a printing location.

Group 15, claim(s) 48 and 71, drawn to a web fed rotary press including first and second printing couples each including a transfer cylinder and a forme cylinder with the transfer cylinders working in pairs and constituting a printing location.

Group 16, claim(s) 48 and 73, drawn to a web fed rotary press including a transfer and forme cylinder each have a cylinder circumference corresponding to at least two upright printed pages arranged one behind the other.

Group 17, claim(s) 48, 74 and 75, drawn to a web fed rotary press including a transfer cylinder in each printing unit with the transfer cylinder having at least three dressings arranged side by side in an axial direction of the surface of the transfer cylinder.

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Group 18, claim(s) 48 and 76, 78-79, 81 and 83, drawn to a web fed rotary press wherein each printing unit is a nine cylinder satellite printing unit.

Group 19, claim(s) 48, 77 and 80, drawn to a web fed rotary press wherein each printing unit is an H-printing unit having four printing couples each including a transfer and a forme cylinder.

Group 20, claim(s) 48 and 82, drawn to a web fed rotary press wherein each cylinder has a separate drive motor which is mechanically independent.

Group 21, claim(s) 48, 84 and 85, drawn to a web fed rotary press including a first group of three side by side formers cooperating with the folding apparatus.

Group 22, claim(s) 48 and 87, drawn to a web fed rotary press including a transfer cylinder in at least one printing unit having a transfer barrel length of between 1,850 mm and 2,400 mm.

Group 23, claim(s) 48 and 88, drawn to a web fed rotary press where the four cutters are arranged spaced opposite alternating with a spacing of nearly 90 degrees..

Group 24, claim(s) 48, 90 and 91, drawn to a web fed rotary press including a contact cylinder adapted to work with the transport cylinder.

5. The inventions listed as Groups 1-24 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

6. Inventions of Groups 1-24 are directed to related products. The related inventions are distinct if: (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are not obvious variants. Furthermore, the inventions

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as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

7. Claim 48 link(s) inventions of Groups 1-24. The restriction requirement over the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 48. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

The combination of Michalik et al. (US Patent 5,503,379), Maylaender (US Patent 5,303,909) and Bolza-Schunemann, et al. (US Patent 3,540,723) teaches all of the limitations of claim 48. Michalik et al. teaches a folding apparatus **8, 9, 11, 12, 13, 17, 18** in a printing press (see claim 1) adapted to fold the web printed by a printing unit with a transport cylinder in the folding press having a circumference adapted to receive at least seven web section lengths of a web printed by a printing unit arranged one after the other (column 3, lines 42-46). Michalik et al. does not teach that the printing unit is adapted to print six axially arranged printed pages on a web. However, Maylaender teaches a printing press adapted to print six side-byside pages axially arranged on a web (column 2, lines 28-41). It would have been obvious to one of ordinary skill in the

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art to adapt the printing press and folding unit of Machalik et al. by incorporating the teachings of Maylaender for producing six axially arranged printed pages for the purpose of speeding up the printing and folding process.

The combination of Michalik et al. and Maylaender does not teach at least four cutters working with the transport cylinder arranged one behind the other in the circumferential direction of the cylinder. However, Bolza-Schunemann et al. teaches four cutters working with the transport cylinder arranged one behind the other in the circumferential direction of the cylinder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the four cutters into the apparatus taught by the combination of Michalik et al. and Maylaender for the purpose of being able to expediently cut the folded webs and finish them.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

8. An in-person request was made to Douglas Hanscom on October 9, 2008 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-Th 9:30AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB

October 10, 2008

/Daniel J. Colilla/
Primary Examiner
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